

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – November 7, 2006**

MEMBERS PRESENT

Kenneth Charest
Bruce Bell
Walter “Terry” Bowditch
William Dobrowolski
Joseph Herlihy

MEMBERS ABSENT

James Murphy
Daniel Shipley

OTHERS PRESENT

Carol Leighton, Administrator
Andrew Black, Assistant Attorney General
Kim Baker-Stetson, Licensing Clerk
Susan Greenlaw, Board Clerk

Location: Central Conference Room

Start: 9:05 a.m.

Adjourn: 5:15 p.m.

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

AGENDA MODIFICATIONS

A motion was made by Walter Bowditch to add the following to the agenda; seconded by William Dobrowolski. Unanimous.

- I. Board Decisions
 - A. Garnett Robinson
 - B. Robert Mersereau
- II. Review Form - Experience Investigation for Work Sample
- III. Place complaint #2006-REA-2476/2494 as the first item under New Business

OLD BUSINESS

Action on Minutes of October 3, 2006 Meeting

A motion was made by Walter Bowditch to approve the minutes of the October 3, 2006 meetings as written; seconded by William Dobrowolski. Unanimous.

NEW BUSINESS

Complaint Officer's Report

#2006-REA-2476: A motion was made by William Dobrowolski that there is sufficient evidence to set this matter for hearing; seconded by Walter Bowditch. Bell, Bowditch, Charest, and Dobrowolski voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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A motion was made by Walter Bowditch to schedule a hearing; seconded by William Dobrowolski. Bowditch, Charest, and Dobrowolski voted in the affirmative; Bell opposed; Herlihy abstained. Motion carried.

#2006-REA-2494: A motion was made by William Dobrowolski that there is sufficient evidence to set this matter for hearing; seconded by Walter Bowditch. Bell, Bowditch, Charest, and Dobrowolski voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to schedule a hearing; seconded by William Dobrowolski. Bowditch, Charest, and Dobrowolski voted in the affirmative; Bell opposed; Herlihy abstained. Motion carried.

Administrator's Report

Appraiser Qualifications Board Exposure Draft on revisions to the 2008 *Real Property Appraiser Qualification Criteria*, as well as Interpretations and Guide Notes applying to the *Real Property Appraiser Qualification Criteria*: The Board will review and discuss this at their December meeting.

Hearing – Jaime Shaw - #2006-REA-2550

The Chair opened the hearing in the matter of Jaime Shaw. Shaw was present and represented by attorney Jim Billings. Assistant Attorney General Andrew Black represented the State. James Smith was present as Hearing Officer. Public deliberations were conducted at the close of the hearing.

A motion was made by Walter Bowditch to find Shaw in violation in 32 M.R.S.A. §14014(1)(B); seconded by William Dobrowolski. Unanimous.

A motion was made by Bruce Bell to find Shaw in violation of 32 M.R.S.A. §14014(1)(I); seconded by William Dobrowolski. Unanimous.

A motion was made by William Dobrowolski to find Shaw in violation of 32 M.R.S.A. §14014(1)(J); seconded by Bruce Bell. Unanimous.

A motion was made by Bruce Bell to find Shaw in violation of 32 M.R.S.A. §14014(1)(G); seconded by William Dobrowolski. Unanimous.

A motion was made by Walter Bowditch to find Shaw in violation of 32 M.R.S.A. §14014(1)(G), by violating a rule adopted by the Board, specifically Chapter 240(1) and USPAP Ethics Rule by (a) failing to perform an assignment with impartiality, objectivity, and independence, and without accommodation of personal interests; (b) accepting an assignment that includes the reporting of predetermined opinions and conclusions; (c) communicating assignment results in a misleading or fraudulent manner; seconded by William Dobrowolski. Unanimous.

A motion was made by Walter Bowditch to find Shaw in violation of 32 M.R.S.A. §14014(1)(G) by violating a rule adopted by the Board, specifically Chapter 240(1) and USPAP Standard 1-1(a); seconded by William Dobrowolski. Unanimous.

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A motion was made by William Dobrowolski to find Shaw in violation of 32 M.R.S.A. §14014(1)(G) by violating a rule adopted by the Board, specifically Chapter 240(1) and USPAP Standard 1-1(b); seconded by Walter Bowditch. Unanimous.

A motion was made by William Dobrowolski to find Shaw in violation of 32 M.R.S.A. §14014(1)(G) by violating a rule adopted by the Board, specifically Chapter 240(1) and USPAP Standard 1-1(c); seconded by Walter Bowditch. Unanimous.

A motion was made by Bruce Bell to find Shaw in violation of 32 M.R.S.A. §14014(1)(G) by violating a rule adopted by the Board, specifically Chapter 240(1) and USPAP Standard 1-2(e)(i); seconded by William Dobrowolski. Unanimous.

A motion was made by Bruce Bell to find Shaw in violation of 32 M.R.S.A. §14014(1)(G) by violating a rule adopted by the Board, specifically Chapter 240(1) and USPAP Standard 1-2(e)(iv); seconded by Walter Bowditch. Unanimous.

A motion was made by Bruce Bell to find Shaw in violation of 32 M.R.S.A. §14014(1)(G) by violating a rule adopted by the Board, specifically Chapter 240(1) and USPAP Standard 1-4(a); seconded by Walter Bowditch. Unanimous.

A motion was made by William Dobrowolski to order the immediate revocation of Shaw's license; to issue a reprimand; \$4000 fine to be paid by 1/5/07; costs not to exceed \$3100 to be paid by 1/5/07 and; costs of any appeal; seconded by Walter Bowditch. Unanimous.

A motion was made by Walter Bowditch to require any changes to work performed by Shaw to be approved by the Board's Complaint Officer, Joseph Herlihy; seconded by William Dobrowolski. Unanimous.

Complaint Officer's Report

#REA-222/236 – request for consideration on fine payment: A motion was made by William Dobrowolski to deny the request; seconded by Bruce Bell. Bell, Bowditch, Charest, and Dobrowolski voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-256/257 – request for consideration on fine payment: A motion was made by Walter Bowditch to deny the request; seconded by William Dobrowolski. Bell, Bowditch, Charest, and Dobrowolski voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

Review and Action on Applications and Education

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TABLED APPLICATIONS		
NAME	APPLYING TO	ACTION
#1	UPGRADE FROM TRAINEE TO SIT FOR LICENSED RESIDENTIAL EXAM MIN 90 QE BAL MET = YES MIN 2000 HOURS WK EXP ON FILE = YES FIRST FIFTY ON FILE = YES 1 ST LIC: NOV 10, 2005 SUPERVISOR = PHILLIP KORKOSZ	11/07/2006 – REPORT FROM JH. TABLED. 10/24/2006 – APPRAISALS REC'D; SENT TO JH 10/23/2006 – REQUESTED COPIES OF APPRAISALS 10/16/2006 – REC'D NEW APPLICATION TO SIT FOR EXAM 10/10/2006 – DENIAL SENT 10/05/2006 – DENIAL LETTER PREPARED AND DRAFT SENT TO ANDREW 10/03/2006 – DENY PER JH 09/25/2006 – REC'D APPRAISALS & WK FILES; SENT TO JH FOR REVIEW 09/14/2006 – REQUESTED APPRAISALS PER DIRECTION OF JH AND AB 09/14/2006 – UPGRADE APPLICATION REC'D
#2	UPGRADE FROM TRAINEE TO SIT FOR LICENSED RESIDENTIAL EXAM THIS IS ONE OF THE TRAINEES WHO IS BEYOND THE 6 YR LIMIT LICENSE EXPIRED: 07/17/2006 MIN 90 QE BAL MET = YES FIRST FIFTY ON FILE = MIN 2000 HOURS WK EXP = YES, 3000+ WK EXP HRS ON FILE	11/07/2006 – NOTHING REC'D TO DATE; NO ACTION 10/05/2006 – CALLED AND REQUESTED MOST RECENT MONTHLY REPORTS WHICH WERE LATER REC'D BY FAX; LETTER SENT REQUESTING FOUR APPRAISALS AND WORK FILES 10/03/2006 – BD REQUESTED SAMPLE APPRAISALS 09/26/2006 – BROUGHT TO BD ATTENTION TO RECENT DENIAL OF CR APPLICATION 09/18/2006 – REC'D APPLICATION SEE 32 MRSA §14032 – DOES NOT REQUIRE TO HOLD A CURRENT LICENSE WITH THIS BOARD IN ORDER TO QUALIFY TO SIT FOR THE EXAM
#3	UPGRADE FROM TRAINEE TO SIT FOR LICENSED RESIDENTIAL EXAM THIS IS ONE OF THE TRAINEES WHO IS BEYOND THE 6 YR LIMIT LICENSE EXPIRED: 09/23/2006 MIN 90 QE BAL MET = YES FIRST FIFTY ON FILE = MIN 2000 HOURS WK EXP = YES	11/07/2006 – REPORT FROM KC. TABLED. 10/31/2006 – APPRAISALS SENT TO KC FOR REVIEW 10/27/2006 – REC'D APPRAISALS 10/06/2006 – LETTER SENT REQUESTING 5 APPRAISALS AND WK FILES 10/03/2006 – BD REQUESTED SAMPLE APPRAISALS 10/02/2006 – REC'D 1 ST 50 STATEMENT FOR BD REVIEW 09/12/2006 – REQUESTED 1 ST 50 FORM; GAVE 30 DAYS TO COMPLY 09/08/2006 – REC'D APPLICATION SEE 32 MRSA §14032 – DOES NOT REQUIRE TO HOLD A CURRENT LICENSE WITH THIS BOARD IN ORDER TO QUALIFY TO SIT FOR THE EXAM
#4	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED GENERAL EXAM MIN 180 QE BAL MET = YES FIRST FIFTY ON FILE = YES MIN 3000 HOURS WK EXP = YES MINIMUM OF 1500 CMML = YES	11/07/2006 – REPORTS FROM TB. MOTION BY DOBROWOLSKI TO APPROVE FOR EXAM; SECONDED BY CHAREST. UNANIMOUS. 10/03/2006 – DISTRIBUTED SAMPLES TO TB & KC 10/02/2006 – REC'D SAMPLES 09/07/2006 – REQUESTED SAMPLE APPRAISALS 08/31/2006 – REC'D APPLICATION

Correspondence

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USPAP Q&A – October 2006: Provided for informational purposes.

Next Meeting Scheduled for December 5, 2006

OTHER BUSINESS

Board Decisions

Garnett Robinson: A motion was made by Walter Bowditch to approve the Decision as written; seconded by William Dobrowolski. Unanimous.

Robert Mersereau: A motion was made by Walter Bowditch to approve the Decision as written; seconded by Bruce Bell. Unanimous.

ADJOURN

Being no further board business the meeting was adjourned at 5:15 p.m.

Respectfully submitted,

Susan Greenlaw, Board Clerk